

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ZUMA PRESS, INC., ACTION SPORTS
PHOTOGRAPHY, INC., TIYU (BEIJING)
CULTURE MEDIA CO. LTD., MANNY
FLORES, ANDREW DIEB, CHRISTOPHER
SZAGOLA, LOUIS LOPEZ, CHARLES BAUS,
DUNCAN WILLIAMS, ROBERT BACKMAN,
JOHN MIDDLEBROOK, and ANTHONY
BARHAM,

Plaintiffs,

v.

GETTY IMAGES (US), INC.

Defendant.

Case No.: 1:16-cv-06110 (AKH)

**DECLARATION OF
JONATHAN BLOOM IN
SUPPORT OF GETTY IMAGES
(US), INC.'S OPPOSITION TO
PLAINTIFFS' MOTION FOR
LEAVE TO AMEND THE
SECOND AMENDED
COMPLAINT**

I, Jonathan Bloom, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am counsel to Weil, Gotshal & Manges LLP and am duly admitted to practice in the State of New York. I represent defendant Getty Images (US), Inc. ("Getty Images") in this action.

2. I submit this declaration in support of Getty Images' Opposition to Plaintiffs' Motion for Leave to Amend the Second Amended Complaint.

3. Annexed as **Exhibit A** hereto is a true and complete copy of a spreadsheet prepared by Getty Images that modifies Exhibit O to Plaintiffs' August 1, 2017 Complaint to add a column for the copyright claimant's name and, for twenty-five of the twenty-seven proposed additional plaintiffs, a copyright registration certificate in which they are identified as the claimant. The application number for the registration certificates for twenty-four of the proposed plaintiffs can be referenced back to Exhibit O to Plaintiffs' First Amended Complaint, filed on

December 16, 2016, reflecting that each of these twenty-four proposed additional plaintiffs was known to Plaintiffs and their counsel more than fourteen months ago. The application number for another one of the proposed plaintiffs can be referenced back to Exhibit O to Plaintiffs' August 1, 2017 Complaint. Getty Images is prepared to provide copies of all of the registration certificates referenced in this spreadsheet upon request.

4. Annexed as **Exhibit B** hereto is a true and complete copy of an email from Dave Wojtczak of Getty Images to Richard Liebowitz, dated July 19, 2016, and Bates-numbered GETT00047669, together with its attachment, Bates numbered GETT00047670.

5. Annexed as **Exhibit C** hereto is a true and complete copy of an email from Julie Mason to Scott McKiernan and Ruaridh Stewart of Zuma Press, Inc., dated February 12, 2013, and Bates-numbered ZUM00340.

6. Annexed as **Exhibit D** hereto is a true and complete copy of an email from Les Walker to azhao@nba.com and ying.liu@osports.cn, dated September 24, 2012, and Bates-numbered OSP10732.

7. Annexed as **Exhibit E** hereto is a true and complete copy of an amendment to an agreement between NewSport and Corbis Corporation, effective April 3, 2006, and Bates-numbered COR0034-36.¹

8. Annexed as **Exhibit F** hereto is a true and complete copy of an agreement between Zuma Press, Inc. and Corbis Corporation, effective September 15, 2010, and Bates-numbered GETT00047851-59.

9. Annexed as **Exhibit G** hereto is a true and complete copy of an email

¹ Exhibit E, J, and K were produced by a third-party, Branded Entertainment Network ("BEN"), with a designation of confidentiality under the protective order governing this action. Defendant's counsel has conferred with counsel for BEN and received permission to include Exhibits E, J, and K as part of this public filing without redaction.

from Les Walker to Ruairidh Stewart and Scott Mc Kiernan, dated October 3, 2011, and Bates-numbered ZUM00275.

10. Annexed as **Exhibit H** hereto is a true and complete copy of an email from Scott Mc Kiernan to Seth Greenberg of Corbis Corporation, dated June 3, 2013, and Bates-numbered ZUM00353-00354.

11. Annexed as **Exhibit I** hereto is a true and complete copy of an email chain between Dave Wojtczak and Les Walker, dated July 5-July 7, 2016, and Bates-numbered GETT00047178-86.

12. Annexed as **Exhibit J** hereto is a true and complete copy of a letter sent on behalf of NewSport and Zuma Press, Inc. to Corbis Corporation, dated November 3, 2011, and Bates-numbered COR00025.

13. Annexed as **Exhibit K** hereto is a true and complete copy of an agreement and rider agreement between NewSport and Corbis Corporation, effective April 9, 2012, and Bates-numbered COR00017-24.

14. Annexed as **Exhibit L** hereto is a true and complete copy of an email chain between Ruairidh Stewart, Scott Mc Kiernan, and Seth Greenberg, dated January 23, 2013, and Bates-numbered ZUM00287-89, in which an email from Stewart to Greenberg, dated August 3, 2012, is forwarded as part of the chain.

15. Annexed as **Exhibit M** hereto is a true and complete copy of an email from Les Walker to Julie Mason and others at Zuma Press, Inc., dated January 9, 2013, and Bates-numbered ZUM00342.

16. Annexed as **Exhibit N** hereto is a true and complete copy of an email chain between Scott Mc Kiernan and Seth Greenberg, dated February 14, 2013, and Bates-

numbered ZUM00343-44, in which a January 29, 2013 email from Ruairidh Stewart to Les Walker is forwarded as part of the chain.

17. Annexed as **Exhibit O** hereto is a true and complete copy of an email chain between Scott Mc Kiernan and Ruairidh Stewart, dated February 11, 2013, and Bates-numbered ZUM00292-98, in which a January 29-February 9, 2013 email chain between Les Walker and Ruairidh Stewart is forwarded as part of the chain.

18. Annexed as **Exhibit P** hereto is a true and complete copy of an email chain between Les Walker and Ruairidh Stewart, dated February 11, 2013, and Bates-numbered ZUM00327-28.

19. Annexed as **Exhibit Q** hereto is a true and complete copy of an agreement between Getty Images and Les Walker, effective April 1, 2016, and Bates-numbered GETT00051389-93.

20. Annexed as **Exhibit R** hereto is a true and complete copy of an email from Les Walker to Travis Lindquist and Marguerite Ruscito of Getty Images, dated April 16, 2016, and Bates-numbered GETT00047204-06, in which an April 4-16, 2016 email chain between Les Walker and Getty Images is forwarded as part of the chain.

21. Annexed as **Exhibit S** hereto is a true and correct copy of an email from Ruairidh Stewart to Travis Lindquist, dated May 4, 2016, and Bates-numbered GETT00047935.

22. Annexed as **Exhibit T** hereto is a true and complete copy of an email chain between Richard Liebowitz and Dave Wojtczak, dated July 1-6, 2016, and Bates-numbered GETT00047461-62, together with two of its attachments, Bates-numbered GETT00047463-65.

23. Annexed as **Exhibit U** hereto is a true and complete copy of an email

chain between Dave Wojtczak and Les Walker, dated May 23-June 16, 2016, and Bates-numbered GETT00047154-61.

24. I hereby declare under the penalty of perjury that the foregoing statements made by me are true and correct to the best of my knowledge, information, and belief.

Dated: New York, New York
February 20, 2018

Respectfully submitted,

By: /s/ Jonathan Bloom
Jonathan Bloom